(1)

SINGLE BENCH
5

IN THE HIGH COURT OF CHHATTISGARH, AT - BILASPUR

WRIT PETITION (S) NO. 6596 OF 2006

PETITIONER : RAMDHANI RAM VISHWAKARMA
AGED – 64 YEARS,
SON OF BHAROSA VISHWAKARMA
RETIRED – ACCOUNTANT
FROM - JANPAD PANCHAYAT,
DANTEWADA,
R/O KAILASH NAGAR, DANTEWADA,
DISTRICT – DANTEWADA
(SOUTH BASTER) (C. G.)

VERSUS

RESPONDENTS :

1. STATE OF CHHATTISGARH,
THROUGH – THE SECRETARY,
SOCIAL WELFARE DEPARTMENT,
MANTRALAYA, D. K. S. BHAWAN,
RAIPUR

P.R. No. 6693/06
Presented by Shri A.K. Keshwani
dated 24-11-06

2. THE DIRECTOR,
SCHEDULE CASTE & SCHEDULE TRIBE
DEVELOPMENT DEPARTMENT,
CHHATTISGARH,
H. Q. – PT. R. S. U. CAMPUS, RAIPUR.

RECEIVED COPY
24/11/06
CLERK to A. G. BILASPUR

3. THE COLLECTOR,
(TRIBAL DEVELOPMENT),
DISTRICT – DANTEWADA,
(SOUTH BASTER) (CHHATTISGARH).

4. THE ASSISTANT COMMISSIONER,
(TRIBAL DEVELOPMENT),
DISTRICT – DANTEWADA,
(SOUTH BASTER) (CHHATTISGARH).

5. CHIEF EXECUTIVE OFFICER,
JANPAD PANCHAYAT, DANTEWADA,
DISTRICT – DANTEWADA,
(SOUTH BASTER) (C. G.)

COMMISSIONER
R. Kawadia
24/11/06

WRIT PETITION UNDER ARTICLE – 226 ~~& 227~~ OF CONSTITUTION OF INDIA

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

38

आदेश पत्रक

मामला क्रमांक W.P(S) No. 6596/06 **सन्** **200**

..... **विरुद्ध** .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

04/12/2006

Shri R.K. Kesharwani, counsel for the petitioner.

Smt. Anju Ahuja, Dy. Govt. Advocate for the State.

Heard.

Earlier petitioner filed a writ petition with the following relief.

> "7-A- To quash the punishment order, dt. 10.3.99 vide Annexure P/2 and to regularize the suspension period from 21.8.85 to 31.5.89 with 18% interest p.a.
>
> B- To pass direction to the Respondents for granting two higher pay scale (Kramonnati) in view of instruction of the State Govt, vide Annexure P/7 & P/8 with consequential benefits of services.
>
> C- To issue a mandamus of writ/direction or order to the Respondents to settle the pension case of the Petitioner positively.
>
> D- Any other relief as may be deemed fit.
>
> E- Cost of petition may be awarded."

This Court heard and decided that writ petition bearing No. 270 of 2003 vide order dated 08/05/2006. Operative portion of order para 5 reads as below:

> "5 In view of the above stated submissions made by learned counsel for the respondents, on the basis of the return filed by the respondents, nothing survives in this matter. However, the petitioner is directed to file appropriate application in the requisite form and complete all the formalities for the purpose of settling his final pension within a period of one month.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

Thereafter, the respondents are directed to complete the formalities and settle the pension within a period of four weeks."

Petitioner has filed the instant petition for the following reliefs.

"(A) To issue a writ in the nature of mandamus or suitable direction regarding the delayed payment of the retrial dues and may kindly be allowed 18% interest on retrial dues from the date of retirement i.e.,30.6.2002 till the realization of retrial dues i.e., October, 2006 as a penal rent.

(B) May kindly be pleased to issue appropriate writ for regularization of the suspension period from 2.8.1985 to 19.5.1989 and to allow the consequential benefits of services etc.

(C) May kindly be pleased to allow the compensation of Rs.25,000/- from the respondents for wrong information given to the Hon'ble Court towards regularization of suspension period and further to allow the compensation of Rs.25,000/- for extra ordinary delayed in completion of the departmental enquiry proceeding.

(D) Any other relief as the Hon'ble Court may be deemed fit.

(E) Cost of petition may be allowed."

No fresh cause of action arose for the instant petition. When this Court has already passed final order for his retiral benefits and did not allow any interest or damages that means the Court is not inclined to grant any interest or damages.

(पीछे देखिये)

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

40

आदेश पत्रक

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	So far as regularization of suspension period is concerned, that period has been regularized by the Collector vide his order dated 07/09/2006. In view of the matter, no relief as sought for, appears to be admissible or can be allowed invoking jurisdiction under Article 226 of the Constitution of India. In the result, the petition is liable to be dismissed and is accordingly dismissed. **Sd/-** **V.K.Shrivastava** **Judge**	

Raju

(पीछे देखिये)